

Attachment 1

CHANG DECLARATION-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

CHANG, CHIN-JUI et al.

Serial No.: 09/572,754

Filed: May 16, 2000

SOUND DEADENING AND STRUCTURAL
REINFORCEMENT COMPOSITIONS AND
METHODS OF USING THE SAME

Docket No.: 26845-B

Group Art Unit No.: 1772

Examiner: M. Patterson

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

DECLARATION 1

1. CHIN-JUI CHANG, declare and state as follows:

1. I am one of the inventors named on the above-referenced patent application. I am a group leader in the Structural Materials section of Sika Corporation.

2. Under my direction and control, the composition set forth in Table 1 of this Declaration was used to prepare a composition following the procedures described in the text of U.S. Patent No. 5,755,486 to Wytech which was cited by the Examiner in the second office action of this application. The percent expansion and compressive strength of the Wytech composition was determined and is reported in Table 1 below. The composition reported in Table 1 corresponds exactly to the preferred formulation of Table 1 in the Wytech '486 patent.

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Ingredient	Trade Name	Composition
Epoxy Resin	Araldite 6010 ¹	50.45% ²
Acrylonitrile-Butadiene Rubber	Nipol 1312 LV	4.33%
Calcium Carbonate	Winnifil SPT	5.31%
Carbon Black	Black Powder	0.13%
Fumed Silica	Cab-O-Sil TS720	3.55%
High Strength Glass Spheres	B38	22.4%
Curing Agent	Dicyandiamine G	4.33%
Accelerator	Amicure UR	1.29%
Blowing Agent	Celogen OT	0.71%
Volume Expansion, %		44.0% \pm 0.1
Compressive Strength, psi		1131.0 psi \pm 143.2

¹ A liquid bisphenol-A based epoxy resin.² These percentages by weight correspond to the percentages by weight given in Table 1 of the Wytech patent.

3. These data clearly demonstrate that the compositions taught by Wytech do not exhibit sufficient volumetric expansion or compressive strength for use in structural reinforcement applications according to the invention. Wytech does not disclose a reinforcing composition which has a percent expansion of from about 80-220% as is recited by claims 11, 16, and 18 of the patent application. Furthermore, Wytech does not disclose a composition having a compressive strength of at least about 1400 psi as is recited by claim 12 and 17 of the patent application. By comparison, the present application discloses a compressive strength of at least about 1400 psi on page 8, line 24, and a percent expansion of

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from about 80-220% on page 8, line 17. A specific example is provided in Example 3 which provides a composition meeting all of the claim limitations of the independent claims.

I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that wilful, false statements and the like are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and such wilful false statements may jeopardize the validity of any patents issued from the parent application.

Any additional fee which is due in connection with this Declaration should be applied against Deposit Account No. 19-0522.

Chin-Jui Chang
Chin-Jui Chang

Date: 10-16-2002

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